

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

7/29/21

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UNITED STATES OF AMERICA

ORDER OF JUDICIAL REMOVAL

- against -

DAVID SANTIAGO GRAJALES-YEPES

17 CR 270 (VB)

Defendant.

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Upon the application of the United States of America, by Kevin Sullivan, Assistant United States Attorney, Southern District of New York; upon the Factual Allegations in Support of Judicial Removal; upon the consent of DAVID SANTIAGO GRAJALES-YEPES ("the defendant") and upon all prior proceedings and submissions in this matter; and full consideration having been given to the matter set forth herein, the Court finds:

1. The defendant is not a citizen or national of the United States.
2. The defendant is a native of Colombia and a citizen of Colombia.
3. The defendant was admitted into the United States as a nonimmigrant visitor pursuant to a B-2 visa at or near Miami, Florida, on or about November 30, 2016, with a period of authorized admission until May 29, 2017.
4. The defendant remained in the United States beyond May 29, 2017, without authorization from the Department of Homeland Security.
5. At the time of sentencing in the instant criminal proceeding, the defendant will be convicted in the United States District Court, Southern District of New York, of Count I, which charges from on or about January 2017 up to and including on or about March 2017, the defendant

Participated in a Conspiracy to Manufacture or Distribute Quantities of Cocaine and Cocaine Base, in violation of Title 21 United States Code, Sections 841(a)(1), 841(b)(1)(C), and 846.

6. The maximum sentence for violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), and 846 is 20 years' imprisonment.

7. The defendant is, and at time of sentencing will be, subject to removal from the United States pursuant to: (1) Section 237(a)(1)(B) of the Immigration and Nationality Act ("INA" or the "Act"), as amended, 8 U.S.C. § 1227(a)(1)(B), as a person who after admission as a nonimmigrant under Section 101(a)(15) of the Act, remained in the United States for a time longer than permitted, in violation of this Act or any other law of the United States; (2) Section 237(a)(2)(B)(i) of the Act, as amended, 8 U.S.C. § 1227(a)(2)(B)(i), as a person who at any time after admission has been convicted of a violation of (or a conspiracy or attempt to violate) any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 802 of Title 21) other than a single offense involving possession for one's own use of 30 grams or less of marijuana; (3) Section 237(a)(2)(A)(iii) of the Act, as amended, 8 U.S.C. § 1227(a)(2)(A)(iii), as a person who is convicted of an aggravated felony at any time after admission as defined in section 101(a)(43)(B) of the Act, illicit trafficking in a controlled substance (as defined in section 802 of Title 21), including a drug trafficking crime (as defined in section 924(c) of Title 18); and (4) Section 237(a)(2)(A)(iii) of the Act, as amended, 8 U.S.C. § 1227(a)(2)(A)(iii), as a person who is convicted of an aggravated felony at any time after admission as defined in section 101(a)(43)(U) of the Act, a law relating to an attempt or conspiracy to commit an offense described in section 101(a)(43) of the Act.

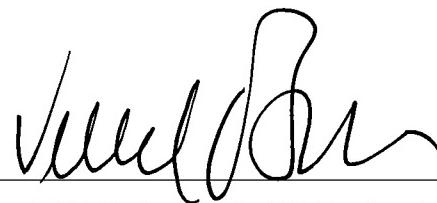
8. The defendant has waived his right to notice and a hearing under Section 238(c) of the INA, 8 U.S.C. § 1228(c).

9. The defendant has waived the opportunity to pursue any and all forms of relief and protection from removal.

10. The defendant has designated Colombia as the country for removal pursuant to Section 240(d) of the Act, 8 U.S.C. § 1229a(d).

WHEREFORE, IT IS HEREBY ORDERED, pursuant to Section 238(c) of the INA, 8 U.S.C. § 1228(c), that the defendant shall be removed from the United States promptly upon his release from confinement, or, if the defendant is not sentenced to a term of imprisonment, promptly upon his sentencing, and that the defendant be ordered removed to Colombia.

Dated: White Plains, New York  
July 29, 2021



THE HONORABLE VINCENT L. BRICCETTI  
UNITED STATES DISTRICT JUDGE